

ORANGE COUNTY SUPERIOR COURT RULES

DIVISION 2

SUPERIOR COURT PERSONNEL

<u>Rule</u>	<u>Effective</u>
CHAPTER 1. EXECUTIVE OFFICER/CLERK OF THE COURT	
200. Chief Executive Officer	09/01/98
204. Recruitment/Selection of Commissioners.	01/01/97
CHAPTER 2. COURT REPORTER SERVICES	
222. Court Reporter Services.	01/01/88
CHAPTER 3. COMPENSATION - COURT PERSONNEL	
230. Compensation of Superior Court Reporters.	09/01/84
232. (Vacated)	07/01/00
234. Professional Dues.	09/01/98
CHAPTER 4. DISCIPLINARY/GRIEVANCE PROCEEDINGS	
240. (Vacated)	09/01/98
242. (Vacated)	09/01/98
244. Complaints Concerning Superior Court Commissioners, Referees, and Superior Court Attorneys Serving as Temporary Judges.	09/01/98
CHAPTER 5. CONFLICT OF INTEREST CODE	
250. Conflict of Interest Code.	07/01/95
252. (Vacated)	09/01/98
CHAPTER 6. EMERGENCIES AND EVACUATIONS	
254. (Vacated)	09/01/98
256. Emergencies and Evacuations.	09/01/93
APPENDIX.	
A. Court Reporter Policies and Procedures Memorandum.	01/01/88
B. (Vacated)	07/01/00

Chapter 1**Executive Officer/Clerk of the Court****RULE 200. EXECUTIVE OFFICER/CLERK OF THE COURT**

- A. The Executive Officer/Clerk of the Court shall, under the direction of the Presiding Judge, organize and administer the nonjudicial activities of the Court. He/she shall assist in the dispatch of judicial business, particularly in calendar management; supervise administrative services in the selection and supervision of jurors; assist in arranging for court accommodations and be responsible for procuring necessary books, equipment and supplies; assist in the preparation and administration of the Court budget; prepare judicial statistics, maintain accounting, personnel and judicial assignment record; assist in providing information services to news media and other groups; assist in maintaining liaison with other public or private agencies concerned with the Court; evaluate and recommend improvements in the Court's administrative system and procedures; prepare an annual report and such other reports as directed by the Court; prepare and submit for Court approval a personnel plan or merit system for the classification, recruitment, promotion, discipline and removal of persons employed by the Court.
- B. The Executive Officer/Clerk of the Court is also appointed ex officio Jury Commissioner pursuant to Section 195(a) of the Code of Civil Procedure, and he/she and duly appointed deputies are authorized to grant excuses from jury service to prospective jurors pursuant to Section 204(b) of the Code of Civil Procedure. As Jury Commissioner he/she is empowered to issue and serve jury summons as provided in Sections 208 et seq. of the Code of Civil Procedure.
- C. The Executive Officer shall serve as the Clerk of the Court and shall assume all the powers, duties and responsibilities permitted to be exercised or performed by the County Clerk in connection with judicial actions, proceedings and records. The County Clerk is relieved of any obligation imposed by law with respect to the above powers, duties and responsibilities. This rule does not transfer from the County Clerk to the Court Executive Officer obligations in reference to the issuance of marriage licenses or the filing of fictitious business name statements.

- D. Any reference in these rules, California Rules of Court or statute, to Executive Officer, Clerk of the Superior Court or Jury Commissioner refers to the Executive Officer who shall function in each of the above-mentioned capacities.

(Revised effective May 10, 1984; revised effective January 1, 1986; revised effective March 1, 1992; revised effective January 1, 1994; revised effective September 1, 1998)

RULE 204 - RECRUITMENT/SELECTION OF COMMISSIONERS

A. Application Requirements

All applicants for the position of Superior Court Commissioner shall complete and submit an Orange County Superior Court Employment Application form, a professional resumé, and a Superior Court Commissioner Personal Data Questionnaire.

B. Application Screening

All applicant materials will be preliminarily screened by court administrative staff for determination of minimum eligibility requirements.

C. Application Review

Application materials will be reviewed by the Executive Committee or a designated selection committee which may or may not include members of the Executive Committee.

D. Circulation of List of the 10 Most Qualified Candidates (including ties)

Following a review of all applications, each selection committee member shall select his/her 10 most qualified candidates (unranked).

The administrative staff shall then combine the respective list of 10 most qualified candidates and, by a weighting process of which names are mentioned the most, devise a top 10 most qualified (including ties) unranked list which will then be circulated to all judges of the Superior Court for review, information and comment by such judges to the selection committee. Complete application materials for any or all candidates may be obtained by any judge upon request to the Executive Officer/Clerk of the Court.

E. Candidate Interviews

The selection committee will then interview these 10 candidates. The interview process will be held in an informal manner.

F. Top Candidates

The committee will select the top candidates and their names and application materials will be submitted to all judges of the Superior Court for review and vote pursuant to section G.

G. Selection/Voting Procedure

At a meeting of the judges of the Superior Court, the new commissioner shall be selected by secret ballot vote of all sitting judges of the Superior Court. Each of the top candidates will be invited to make a brief presentation to the judges and respond to any questions he or she may be asked.

If no candidate receives a majority vote of the sitting judges, successive ballots will be circulated with the name(s) of candidate(s) receiving no affirmative votes and the candidate receiving the least number of votes removed from the ballot.

If there is a tie among candidates receiving the least number of votes, all such candidates will be removed from the ballot unless they would reduce the number of candidates to one in which case a new ballot will be circulated in which only the name(s) of candidate(s) receiving no affirmative votes will be removed.

If three successive ballots occur in which neither of the two final candidates receives a majority vote of the sitting judges, the meeting shall be adjourned and a written ballot shall be prepared with the names of the two final candidates for circulation. Such ballots must be completed, placed in a sealed envelope and delivered to the Presiding Judge or Executive Officer/Clerk of the Court within three weeks of the date of circulation.

H. Maintenance of List of the 10 Most Qualified Candidates (including ties)

Upon selection of a new commissioner, the list of the 10 most qualified candidates (including ties) will be maintained as an eligibility list for one year from the

date the list was established. Any vacancy occurring within said year will be filled from said list by utilizing steps D through G above, as applicable, without requiring a new recruitment process.

(Adopted effective April 1, 1991; revised effective July 1, 1996; revised effective January 1, 1997)

Chapter 2

Court Reporter Services

RULE 222. COURT REPORTER SERVICES

A Court Reporter Policies and Procedures Memorandum shall be adopted as Appendix A to Division 2 of these rules by the Executive Committee with the approval of the Presiding Judge. The manual shall be promulgated by the Executive Officer/Clerk of the Court to all official and pro tem court reporters and copies shall be distributed to all judges and commissioners. All official and pro tem court reporters shall comply with its provisions.

Court Reporter and Interpreter Services (CRIS) shall manage all court reporter resources to best meet the needs of the Court, particularly in making temporary re-assignments of highly experienced official court reporters, whether assigned or in floating status, to high profile cases (death penalty, complex litigation, etc.) and in scheduling the rotation of pro tem court reporters on a per diem basis to fill unscheduled absence requirements, so that overall cost containment will be achieved through optimizing use of all court reporter resources.

Assignment of court reporters to assigned judges, temporary judges, commissioners and referees shall be at the discretion of the Presiding Judge, Executive Officer or designee and shall be managed by CRIS to best meet the needs of the Court.

Performance evaluations shall be prepared on a regular basis for official court reporters as well as long-term and daily pro tem court reporters in order to provide meaningful feedback to the individual court reporters, to assess the skills and experience of all court reporters and to assure the highest quality support to judicial officers.

(Adopted effective January 1, 1988; revised effective September 1, 1998)

Chapter 3

Compensation - Court Personnel

RULE 230. COMPENSATION OF SUPERIOR COURT REPORTERS

A. Official Court Reporters

Effective September 1, 1984, the seven-step plan applicable to Court Reporters of the Los Angeles Superior Court is adopted for the Official Court Reporters of the Orange County Superior Court pursuant to Sections 70012 and 69894.1 of the Government Code, or other applicable statutes, as implemented by this rule.

All Court Reporters shall, upon their original employment as Official Court Reporters, be compensated at the monthly rate specified at step 5 of the current salary schedule fixed for the position of Court Reporters of the Los Angeles Superior Court.

Upon completion of 18 months' service at step 5, Court Reporters shall be advanced to step 6, and upon completion of 18 months' service at step 6, they shall be advanced to step 7.

B. Court Reporters Pro Tempore

Court Reporters Pro Tempore shall receive the per diem salary computed at step 5 of the current salary schedule fixed for the position of Court Reporters of the Los Angeles Superior Court.

Upon promotion from "Pro Tempore" to "Official Court Reporter" status, such reporters shall be compensated at the step 5 monthly rate. After 18 months of service as an "Official Reporter," they shall be advanced to step 6.

(Revised September 11, 1984; effective retroactive to September 1, 1984)

RULE 232. (VACATED)

(Revised effective July 1, 1985; revised effective October 1, 1985; revised August 1, 1989; revised effective July 1, 1996; revised effective September 1, 1998; revised effective April 2, 1999; vacated effective July 1, 2000)

RULE 234. PROFESSIONAL DUES

Employees holding a regular position in the Attorney-Superior Court Series, and who are on the Court's payroll as of January 1 of each year, shall be reimbursed for the current year's State and County Bar dues.

Superior Court Commissioners and Juvenile Court Referees shall be reimbursed for inactive State and County Bar dues and California Judges Association dues upon request.

(Renumbered effective March 15, 1984; revised effective January 1, 1995; revised effective July 1, 1995; revised effective October 1, 1996; revised effective September 1, 1998)

Chapter 4**Disciplinary/Grievance Proceedings****RULE 240. (VACATED)**

(Revised and renumbered effective March 15, 1984; revised effective October 1, 1990; revised effective January 1, 1994; revised effective September 1, 1998)

RULE 242. (VACATED)

(Revised and renumbered effective March 15, 1984; revised effective October 1, 1990; revised effective January 1, 1994; vacated effective September 1, 1998)

RULE 244. COMPLAINTS CONCERNING SUPERIOR COURT COMMISSIONERS, REFEREES, AND SUPERIOR COURT ATTORNEYS SERVING AS TEMPORARY JUDGES

A complaint received by the Court concerning the conduct of a Superior Court Commissioner, Referee, or Superior Court attorney serving as a temporary judge, shall be directed to the Presiding Judge. If a complaint has been submitted in writing, a file shall be established and maintained by the Presiding Judge.

The Presiding Judge shall review each complaint received promptly and may investigate the circumstances giving rise to the complaint as necessary. If the complaint is frivolous or unfounded on its face, it may be disposed of administratively without formal action. The complainant should, however, be informed of the disposition of the complaint and in the case of a complaint submitted in writing, a copy of the response by the Presiding Judge should be placed in the file.

If upon review by the Presiding Judge a complaint appears not to be minor in nature and to have some valid basis, or when there is good cause to believe that the complaint may be meritorious, such as the presence of other complaints, the Presiding Judge shall refer the matter to the Executive Committee for review and investigation, as appropriate.

When the Presiding Judge refers a complaint to the Executive Committee for a formal investigation, the Commissioner, Referee, or Superior Court attorney serving as a temporary judge, shall be presented with a written statement of the allegations and shall be provided an opportunity to respond either orally or in writing. When the Executive Committee has completed its investigation, it

shall report to the Presiding Judge its findings and recommendations. For Commissioners, Referees, and Superior Court attorneys serving as temporary judges, the Executive Committee may recommend that no further action be taken regarding the complaint, that a reprimand be given to the individual, or that disciplinary proceedings, which may include suspension or termination of employment, be initiated following the procedure established for Court personnel in Article XI of the Personnel Policies and Regulations adopted pursuant to Rule 232, Orange County Superior Court Rules. The Presiding Judge shall give due consideration to the recommendations of the Executive Committee. Formal disciplinary proceedings may be initiated by either the Presiding Judge or the Executive Committee.

The report of the Executive Committee shall be filed in the complaint file established by the Presiding Judge. The Presiding Judge shall notify the complainant of the disposition of the complaint unless for good cause it is determined that no response should be made. Except for the Presiding Judge's response to a complainant, all documents, papers, reports, correspondence and proceedings pertaining to a complaint regarding a Commissioner, Referee, or Superior Court attorney serving as a temporary judge, shall be confidential. Following the report of the Executive Committee, the complaint file may be reviewed by the Commissioner, Referee, or Superior Court attorney serving as a temporary judge, at any time.

For Commissioners and Referees, disciplinary appeals shall follow the general procedures established for court personnel in the Personnel Policies and Regulations, Article XII, Section 7., Step 4. The Presiding Judge shall represent the Court in lieu of the Chief Executive Officer. The Commissioner or Referee may appeal the Court Appeals Board's decision within 15 days to the Judges of the Superior Court. Such appeal shall be scheduled by the Presiding Judge to be heard by the Judges at a regular or special Judges meeting within 90 days of the date the appeal is filed. The decision of the majority of judges is final and binding.

(Effective January 1, 1990; revised effective January 1, 1994; revised effective October 1, 1996; revised effective September 1, 1998)

Chapter 5**Conflict of Interest Code****RULE 250. CONFLICT OF INTEREST CODE****A. Adoption of Code**

The Superior Court of the State of California, County of Orange, adopts this Conflict of Interest Code under Article 3, Sections 87300-87500 of the California Government Code and incorporates by reference California Code of Regulations, Section 18730, and any amendments thereto.

B. Distribution, Completion and Processing of forms

1. The Fair Political Practices Commission supplies the Court with Statement of Economic Interests forms and instructions for completion. The Court's Personnel staff shall obtain and distribute Statement of Economic Interests forms to designated employees. Designated employees are responsible for completing their own forms and ensuring they are returned to the Personnel staff timely.
2. Employees must complete the economic interests disclosure form when they assume and terminate employment from a designated classification or position. All designated employees must also file a completed form annually.
3. All designated employees, regardless of their reportable economic interest status, are required to file a completed Statement of Economic Interests.

C. Designated employees who must file a Statement of Economic Interests

Employees in the below listed job classifications may make or participate in the making of decisions which may foreseeably have a material effect on their financial interests. Therefore, employees with the following classification titles or working titles shall file a Statement of Economic Interests, reporting financial interests designated by their disclosure category:

Employees required to file Form 700, Statement of Economic Interests:

<u>Title</u>	<u>Disclosure Category</u>
Buyer & Deputy Buyer (Working Title)	3
Court Architect	1,2
Director, Accounting & Finance Services(Working Title)	3
Executive Directors	1,2
Executive Officers	1,2
Information System Managers (Working Title)	3
Maintenance Coordinator (Working Title)	3
Manager, Administrative Services (Working Title)	3
Manager, Material Management & Facilities Maintenance (Working Title)	3
Store Clerk	3
Supervisor, Finance Section (working title)	3
Supervisor, Material Management (Working Title)	3

1. Employees in the job classification of Attorney I, II or III or Supervising Attorney must file a Statement of Economic Interests for Attorneys or Director, Legal Research in Judicial Branch Agencies. Such statements must disclose all instances where the employees disqualified themselves from a case due to a financial interest.
2. Employees in the below listed job classifications must complete a Statement of Economic Interests for Mediators, Probate Examiners, Calendar Coordinators and Investigators. Such statements must disclose all instances where the employees disqualified themselves from a case or assignment due to a financial interest.

Title

Court Investigator I, II, III
 Court Mediator I, II
 Mediation & Investigative Services Supervisor
 Probate Calendar Coordinator
 Probate Examiner I, II
 Supervising Probate Examiner

D. Disclosure Categories for Conflict of Interest Codes

The following disclosure categories are adopted by the Court:

Category 1: All investments, business positions (excluding nonprofit organizations) and sources of income.

Category 2: All interests in real property located in or within two miles of Orange County.

Category 3: Investments and business positions in business entities and income from sources which, within the previous two years, did or in the foreseeable future might contract with the Orange County Superior Court to provide services, equipment or supplies of the type used by the Orange County Superior Court for which the designated employee has discretionary authority.

E. Filing Officer

The Chief Executive Officer is designated as the Filing Officer for all Statements of Economic Interests filed under this rule.

F. Public Record

All Statements of Economic Interests are retained in the Court Personnel office for seven years. The statements are a "matter of public record" and shall be made available to the public upon request.

G. Revisions to Rule 250

Government Code Section 87306 requires public agencies to amend their conflict of interest codes when changes occur. Such changes include the establishment of new or deletion of existing "designated employee" classifications or positions or changes to disclosure categories. Proposed revisions to this rule shall be submitted to the Presiding Judge (code reviewing body) within 90 days after the changed circumstances. The judges of the court then have 90 days from receiving the changes to approve, revise or return the code for additional changes.

(Adopted effective January 1, 1986; revised effective July 1, 1991; revised effective July 1, 1995; revised effective July 1, 2000)

RULE 252. (VACATED)

(Adopted January 1, 1987; revised effective January 1, 1995; vacated effective September 1, 1998)

RULE 254. (VACATED)

(Adopted effective July 1, 1991; vacated effective September 1, 1998)

Chapter 6**Emergencies and Evacuations****Rule 256. EMERGENCIES AND EVACUATIONS**

The Orange County Marshal shall serve as the Court Security Officer and be responsible for the welfare and security of all building occupants in Superior Court courthouse facilities. All Superior Court Judges, Commissioners, and staff shall follow the directions of the Marshal in the event of an emergency and/or evacuation.

The Orange County Marshal shall have the sole authority to order an evacuation, when necessary, as authorized under Penal Code Section 409.5. Penal Code Section 409.5 authorizes the Marshal to evacuate and close an area "Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or other disaster...". As provided in Penal Code Section 409.5 (c): "Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor."

(Adopted effective September 1, 1993)

DIVISION 2

APPENDIX A

COURT REPORTER POLICIES AND PROCEDURES MEMORANDUM

A. Applicability

1. The provisions of this memorandum shall apply to all official Orange County Superior Court reporters and to pro tem reporters as appropriate.
2. This memorandum supersedes all prior oral and written policies and procedures relating to official and pro tem court reporters.
3. Appointment of an official court reporter shall be made in conformance with Government Code Section 70010. Minimum qualifications for appointment as an official court reporter are possession of a State of California Certified Shorthand Reporter (CSR) License and passage of the Registered Professional Reporter (RPR) examination OR the Los Angeles County Superior Court Reporter examination and a minimum of three years experience in court reporting. Official court reporters shall be assigned to a specific judge as a primary assignment with additional duties and responsibilities as defined herein. Reassignment of an assigned official court reporter will be for good cause only and the judge/court reporter working relationship will be considered permanent regardless of type or location of the judicial officer's assignment except when the judge serves as the Presiding Judge or the Assistant Presiding Judge or the judicial officer is utilizing an audio or video equipped courtroom pursuant to Gov. Code §72194.5.
4. Official court reporters temporarily without a primary assignment shall be placed on standby status.
 - a. A list of unassigned official court reporters will be provided to each judge making court reporter selection. Appointment from this list is strongly encouraged, with exceptions only at the discretion of the Presiding Judge.
 - b. Deployment of unassigned official court reporters on a daily basis will be managed by Court Reporter and Interpreter Services (CRIS) in order to avoid duplicate expense for court reporter staffing. This will be achieved by full utilization of official court reporters and by imposition of a moratorium on the appointment of new official court reporters and the employment of additional long-term pro tem court reporters when the number of official court reporters assigned to the "floating

assignment" pool exceeds 15% of the number of authorized official court reporter positions.

- c. Official court reporters in the floating pool of unassigned official court reporters will participate in regularly scheduled rotation to enhance and maintain skills and/or broaden experience and to provide fair work distribution and transcript opportunities.

B. Duties Of Official Court Reporters

The duties of an official Court Reporter include those defined in Section 269, Code of Civil Procedure, and are incorporated herein by reference.

C. Court Reporter Services

Under the direction of the Chief Executive Officer, Court Reporter Services shall provide court reporter coverage for all departments of the Superior Court requiring such services in as effective and efficient a manner as possible. Responsibilities include, but are not limited to, coordinating daily court reporter assignments, maintaining records and providing pro tem reporters when necessary.

D. Work Period

1. Monday through Friday is the basic five-day work week for the court. Normal working hours are 8:00 a.m. to 5:00 p.m. daily. All reporters, regardless of courtroom assignment, shall be available in the courthouse at all times during normal working hours unless otherwise directed or on a daily transcript assignment. Lunch periods shall be determined by the court to which the reporter is assigned. Reporters on standby status shall take a 12:00 noon to 1:00 p.m. lunch period unless otherwise directed by Court Reporter Services.
2. Each reporter is responsible for working the hours of the court to which he/she is assigned as may be directed by the judge or commissioner and for making suitable arrangements with another qualified reporter to cover any period during which the reporter is unavailable. If no suitable arrangements can be made to cover the court, the assigned reporter shall remain. The reporter shall not expect Court Reporter Services to make such arrangements, and shall inform Court Reporter Services after arrangements have been made.
3. Standby and pro tem reporters will not be called to work by Court Reporter Services to cover hours beyond normal working hours except in extraordinary circumstances.

E. Emergency Absences

1. Should a reporter be unable to report to work due to illness or other personal emergency, he or she shall call and notify Court Reporter Services at 7:30 a.m., or as soon thereafter as it is possible to do so, in order to allow sufficient time to secure the services of a relief reporter prior to the time court is scheduled to convene. Should the reporter be unable to personally call in, he or she should arrange for someone else to call in as soon as possible and alert Court Reporter Services of the emergency.
2. If any emergency situation should arise during normal working hours, the reporter shall immediately notify Court Reporter Services and request that a relief reporter be provided as soon as possible.

F. Reporting Vacation Time/Medical Appointments

In order to provide Court Reporter Services with sufficient time to arrange for and provide relief reporters with as much advance notice as possible, all reporters shall, except in emergency situations, notify Court Reporter Services in writing of scheduled vacations and medical appointments no less than two working days prior to the commencement of the scheduled absence.

Failure to provide the minimum required notice may result in the request for absence being denied. If a request for absence is denied, the reporter shall report for work as assigned. The purchase of tickets or prepaid reservations shall not be considered grounds for exception. Reporters should clear vacation dates with Court Reporter Services before they incur any monetary obligations. Absent the required minimum notice, reporters on standby status are not permitted to take vacation time or time off without pay in lieu of an assignment.

G. Unanticipated Availability

When a reporter arrives at the courthouse and learns that his/her assigned judge/commissioner will not be in or will not require his/her services, the reporter shall call Court Reporter Services and report his/her availability. The reporter will be assigned or placed on standby status by Court Reporter Services.

Should a judge/commissioner leave early in the day, the reporter shall notify Court Reporter Services of his/her availability unless otherwise directed by the judge/commissioner.

Whenever Court Reporter Services needs to use the services of a reporter whose judge/commissioner is present to cover another courtroom, that judge/commissioner will be contacted for permission before any such assignment is made.

H. Reporter Standby Status

1. Whenever a judge is absent because of vacation or for any other reason, his/her reporter shall be placed on standby status. A reporter on standby status shall be assigned by Court Reporter Services as needed. Refusal to accept an assignment may result in disciplinary action.
2. Reporters on standby status shall be in their offices at the courthouse by 8:00 a.m. ready for an assignment and shall contact Court Reporter Services by 8:15 a.m. Approval to depart prior to 5:00 p.m. must be obtained from Court Reporter Services.
3. In order to provide timely replacements, Court Reporter Services must be able to contact relief reporters with a minimum of delay. Standby reporters must remain in their offices and available for assignment at all times during normal working hours or advise Court Reporter Services where in the courthouse they can be reached.
4. Lunch hour for standby reporters shall be from 12:00 noon to 1:00 p.m. unless otherwise directed by Court Reporter Services.
5. Unless good cause can be shown for any unavailability, standby reporters who cannot be reached for a relief assignment shall be charged leave without pay and may be subject to disciplinary action. Court Reporter Services will make every reasonable effort to locate standby reporters before charging leave without pay. In the event of such action, Court Reporter Services shall notify the reporter, in writing, regarding time charged without pay before 5:00 p.m. on the next court day.
6. If a reporter is at his/her normal work location and is given an assignment that requires travel to another work location, the reporter will be compensated for the mileage actually traveled between the two locations at the rates set by the County of Orange upon submission of a Mileage and Expense claim.

I. Uniform Transcript Preparation

When preparing transcripts, all reporters should follow the suggested format guidelines contained in the Transcript Format and Procedures Manual prepared by the Orange County Superior Court Reporters Association.

J. Daily Transcripts

1. It has been a long-standing policy of this court that in the absence of extraordinary circumstances in the Court's discretion, daily transcripts at public expense will not be ordered except in capital cases in which the death penalty is being sought by the District Attorney.
2. In civil cases, when preparation of a daily transcript has been ordered by the court, the party requesting the daily transcript shall pay not only for the costs of the transcript, but also for the services of the extra reporter (whether official or pro tem). The court clerk is required to collect the extra reporter cost, on a daily basis, from the attorney requesting the civil daily transcripts. The reporter shall bill the requestor for the cost of preparing the transcript. Pursuant to Government Code Section 69951, the reporter may bill requestor an additional 50 percent for special daily copy services, in civil cases only.
3. When daily transcription of criminal or civil cases is performed by a single reporter pursuant to Government Code Section 69952, the reporter shall be compensated by an additional one-half of the per diem rate as a fee for technological services.

K. Transcript Processing Procedures and Priorities

1. All official and pro tem court reporters shall comply with the pertinent statutes and State and local court rules regarding requests and estimates for the preparation of transcripts.
2. All transcripts shall be prepared and delivered in a timely manner consistent with statutes, rules of court and these procedures. Transcripts in Juvenile cases are to be prepared in accordance with the Juvenile Court policy currently in effect. Priorities between transcript preparation demands shall be generally determined based on the date of notice of appeal, court order, or date of deposit of required fees, where fees are required. The following priorities are hereby established:

Priority 1 - Transcripts under Civil Code Sec. 232, involving termination of parental rights (Civil Code Sec. 237.7).

Priority 2 - Juvenile Court Appeals. An appeal from the Juvenile Court has precedence over all other cases (Rule 39(e), California Rules of Court).

- Priority 3 - Criminal appeal transcript that has not been completed within 80 days of filing Notice of Appeal (overdue status).
 - Priority 4 - Civil and criminal writs, search warrants and Court ordered transcripts.
 - Priority 5 - Civil appeal transcript that has not been completed within 90 days after receipt of "Directory Notice" to prepare transcript (overdue status).
 - Priority 6 - Civil Appeal transcript that has not been completed within 60 days after receipt of "Directory Notice" to prepare transcript (late status).
 - Priority 7 - Civil appeal transcript that has not been completed within 30 days after receipt of "Directory Notice" to prepare transcript (late status).
 - Priority 8 - Criminal appeal transcript up to 20 days after filing Notice of Appeal.
 - Priority 9 - Civil appeal transcript up to 30 days after receipt of "Directory Notice" to prepare transcript.
3. An attorney, party litigant or other person may be given special transcript preparation priority if not in conflict with other priorities specified by statute or the California Rules of Court.

L. Monitoring Transcript Preparation

1. California Rules of court 205(19) and 205(20) assign to the Presiding Judge the responsibility and authority for the supervision and management of the expeditious preparation of reporters' transcripts on appeal. That responsibility and authority may be delegated to the Chief Executive Officer.
2. If a reporter believes that he/she cannot complete and file a transcript by the required deadline, the reporter may:
 - a. request a temporary reassignment,
 - b. explore with a fellow reporter the possibility of temporarily trading assignments,
 - c. or take vacation time off or leave without pay.

Under no circumstances is sick leave to be used for transcript preparation.

3. A reporter shall be in default when:
 - a. the reporter is unable to meet the original prescribed deadline for filing of a criminal transcript (80 days after Notice of Appeal is filed);
 - b. the reporter fails to meet the deadline for filing a Juvenile Court transcript per Welfare and Institutions Code Section 232, unless an extension has been granted by the Court of Appeal;
 - c. the reporter fails to meet the deadline for filing a Juvenile Court transcript on appeal;
 - d. the reporter fails to meet any other deadline imposed by statute, rule or court order unless an extension has been granted by the appropriate court.
4. A reporter in default will not be assigned to a courtroom, but shall be placed on unpaid leave of absence during this period.

M. Declaring Reporter Incompetent to Work in Court

1. California Rule of Court 205(20) requires that, after reasonable notice and hearing, the Presiding Judge shall declare any reporter of the court who is delinquent in completing a transcript on appeal not competent to act as a reporter in any court, pursuant to Government Code Section 69944.
2. A reporter who has been found incompetent to work in court shall remain on unpaid leave of absence until he/she has completed and filed all overdue transcripts and until a Petition for Reinstatement has been granted by the Presiding Judge.
3. Reporters in default for failure to complete any other step in the transcript process (failure to timely submit estimate of costs, failure to timely file transcripts, failure to timely file request for extension of time, etc.) may also be ordered to show cause before the Presiding Judge why they should not be declared incompetent to work in court.

N. Transcript Billing Rates

1. Reporters shall bill the court or other requestors for transcripts at the rates specified in Government Code Section 69950.
2. Pursuant to Government Code Section 69951, the reporter may bill requestor an additional 50 percent for special daily copy service in civil cases only.
3. When daily transcription of criminal or civil cases is performed by a single reporter pursuant to Government Code Section 69952, the reporter shall be compensated by an additional one-half of the per diem rate as a fee for technological services.
4. No attorney, party litigant or other person shall be charged, and no reporter shall accept, any special transcript preparation rate or fee not specifically authorized by statute.

O. Court Reporter Notes

1. It is the responsibility of Court Reporter Services to provide for the maintenance, storage, and retrieval of all court reporter notes.
2. Pro tem reporters will be required to turn in their notes, properly labeled for storage, to Court Reporter Services before any claim for payment can be processed.
3. Reporters who retire or who leave County employment will be required to turn in their notes, properly labeled for storage, to Court Reporter Services before they receive their final County paycheck.
4. Notes must be labeled on the end of each pad with the reporter's name and the date of the hearing or calendar. Boxes prepared for storage must have the Superior Court's Certificate and Receipt completed and attached. In addition, the boxes themselves should be labeled with the reporter's name and the dates of the notes so that they may be easily identified in the event the Certificate and Receipt becomes detached.
5. All persons checking out court reporter notes will be required to sign a receipt. Notes that have been received for storage will be released only to the reporter who prepared them unless:
 - a. that reporter authorizes their release to another reporter in writing (telephone requests are not acceptable); or

- b. Court Reporter Services is unable to locate the reporter. In that event, the President of the Court Reporters Association will be asked to locate a reporter who can read the notes and prepare the requested transcript.
6. Upon written request in extraordinary circumstances, notes will be mailed to the reporter by certified mail, return receipt requested. The reporter shall reimburse the County for the postage. Under no circumstances will reporter's notes be released to attorneys or to messengers.

P. Personnel Practices

1. Compensation of official and pro tem court reporters shall be governed by Orange County Superior Court Rule 230.
2. Leave provisions, vacation, holidays and reimbursement programs shall be governed by Orange County Superior Court Rule 232.
3. Disciplinary actions and appeals shall be governed by Orange County Superior Court Rule 240.
4. Grievance procedures and appeals shall be governed by Orange County Superior Court Rule 242.

Q. Use of County-Owned Copy Machines for Transcript Preparation

Use of County-owned copy machines to prepare copies of transcripts is limited to emergency situations with the approval of Court Reporter Services. If approval is granted, the reporter shall be required to reimburse the County by a check made payable to the Auditor-Controller, in the amount set at the rate established by the Board of Supervisors.

(Adopted effective January 1, 1988; revised effective September 1, 1998)